

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

HUMBERTO LOPEZ RODRIGUEZ *et al.*,

Defendants.

CASE NO. CR20-0107-JCC

ORDER

This matter comes before the Court *sua sponte*. On August 5, 2020 Defendants Carlos Carrillo Lopez and Humberto Lopez Rodriguez were charged by indictment with drug and firearms-related crimes. (Dkt. No. 65.) Trial was originally scheduled for October 5, 2020. (Dkt. Nos. 73, 74.) As a result of the COVID-19 pandemic's impact in this district, Defendants filed an unopposed motion to vacate the trial date. (Dkt. No. 75.) The Court granted the motion, scheduled a status conference for November 10, 2020, and held that the time between the date of the Court's order and the date of the status conference was an excludable period under the Speedy Trial Act. (Dkt. No. 80.)

Over the past six months, the COVID-19 pandemic has significantly impacted the Court's operations. (*See* General Orders 01-20, 02-20, 07-20, 08-20, 11-20, 13-20, 15-20 each of which the Court incorporates by reference.) Specifically, the pandemic has rendered the Court unable to obtain an adequate spectrum of jurors to represent a fair cross section of the

community, and public health guidance has impacted the ability of jurors, witnesses, counsel, and Court staff to be present in the courtroom. (*See generally id.*) Recently, conditions have improved such that the Court can resume a limited number of in-person criminal jury trials.

Chief Judge Martinez has concluded that:

[F]or the foreseeable future, it will be possible to proceed with only one in-person criminal jury trial at a time at each of the district's two courthouses. The order in which pending criminal cases will proceed to trial will be determined by the Court in consultation with the Federal Public Defender's Office and the United States Attorney's Office.

W.D. Wash. General Order 15-20 (Oct. 2, 2020) at 2. Accordingly, the Court SETS this matter for trial on March 29, 2021. Further, the Court FINDS the ends of justice served by continuing trial to this date outweigh Defendant's and the public's interests in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). The reasons for this finding are:

1. The COVID-19 pandemic has rendered the Court unable to obtain an adequate spectrum of jurors to represent a fair cross section of the community, which would likely make proceeding with an earlier trial impossible or, at a minimum, would result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).
2. Public health guidance has impacted the ability of jurors, witnesses, counsel, and Court staff to be present in the courtroom. Therefore, proceeding with an earlier trial would likely be impossible. *See* 18 U.S.C. § 3161(h)(7)(B)(i).

Accordingly, the Court ORDERS:

1. Trial in this matter is scheduled for March 29, 2021 at 9:30 a.m.
2. The pretrial motions deadline is February 15, 2021.
3. All pretrial filings—including trial briefs, motions in limine, proposed voir dire, proposed jury instructions, and proposed verdict forms—must be submitted no later than Monday, March 15, 2021.
4. The period from the date of this order until March 29, 2021, is an excludable time

1 period under 18 U.S.C. section 3161(h)(7)(A).

2 5. The status conference scheduled for November 10, 2020 is VACATED.

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4 DATED this 14th day of October 2020.

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8 John C. Coughenour  
9 UNITED STATES DISTRICT JUDGE  
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